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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/092,072

Applicant(s)

ROTHSCHILD, WAYNE H.

Examiner

Matthew D. Hoel

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/12/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-15, 19, 21-35, 39-55, 57, 58 and 62-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15, 19, 21-35, 39-55, 57, 58 and 62-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

4. Determining the scope and contents of the prior art.
5. Ascertaining the differences between the prior art and the claims at issue.
6. Resolving the level of ordinary skill in the pertinent art.
7. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 to 3, 6 to 15, 21 to 23, 62, and 63 are rejected under 35 U.S.C. 103(a) as being obvious over Harkham (WIPO publication WO 01/91866 A1, PCT application PCT/US01/17285) in view of Cannon, et al. (U.S. patent 6,652,378 B2).

9. As to Claim 1: '866 discloses all of the elements of Claim 1, but lacks specificity as to downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Harkham in '866 teaches a method of using a casino-based, player-operated comprising (Abst.): accessing a web-based central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33) from the gaming machine in a land-based casino (casinos 110 and 112, Fig. 1),

Art Unit: 3714

the gaming machine being linked to the central server system by a reconfigurable, multi-site computer network (Internet, Page 4, Line 20); and conducting, via the gaming machine, a wagering game on the computer network by receiving a wager from the player (Page 3, Lines 27 to 28), generating a random event (cards dealt or wheel spun, Page 9, Line 18), and providing an award to the player for a winning outcome of the random event (Page 30, Lines 30 to 31); wherein the wagering game includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22); and wherein the step of conducting the wagering game includes displaying the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). '866 configures the gaming machine from the central server system for conducting a wagering game (software downloaded to memory for execution, Page 13, Lines 27 to 35); this matches the instant configuration of web-based software instantly configured to display appropriate game themes of the applicant's specification, Page 19:29 to Page 20:5. The applicant is arguing in his remarks the other embodiment in which the software is downloaded and installed, Page 17:4-18. There are two embodiments of "configuring" in the applicant's specification, and the "configuring" of '866 matches one of them. Regarding the newly claimed limitations, '866 displays randomly generated and dynamically generated audiovisual content representing an outcome of the wagering game to the player. In one embodiment, where some of the players are remote players, the remote players are represented by avatars in a virtual game room (Page 10, Lines 1 to 9). Alternatively, '866 displays camera images of the physical players at the gaming table and use a

Art Unit: 3714

video phones to display images and audio information of the remote players (Page 9, Lines 12 to 21). '866 transmits dynamically generated audio content to the player (playing instructions transmitted in non-audio format to save bandwidth, audio instruction dynamically played as audio in response to these instructions; alternatively audio directly from remote player played, Page 8, Line 30 to Page 9, Line 6). '866 transmits randomly selected and dynamically generated visual content to the player (card game embodiment, images of dealer and physical players along with cards being dealt, 9:12-21; images of remote players, 8:24-29; three-dimensional chatroom of avatars of real and physical players, 10:1-9). All of the games of '866 relied upon in this rejection are wagering games in that the player places a wager to play the games (player wagering in remote card game, 18:15-29; player wagering in simulated slot game, 14:1-25). They are not all "wagering games" in the restrictive sense argued by the applicant in his remarks, restricting the wagering game to be only online computer games with no representation of live table play as disclosed in '866. The simulated slot game of '866 does anticipate wagering game in the restrictive sense argued by the applicant because it is an online computer game with no representation of table play. '866 executes the audiovisual content locally (8:17-10:12 generally, 8:30-9:5 and 10:1-9 specifically). '378, however, teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27 specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The

Art Unit: 3714

audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game of '378 to the gaming system of '866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-21, 10:1-9). The players of '866 and '378 are able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error.

10. As to Claim 2: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

As to Claim 3: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

11. As to Claim 6: '866 downloads the audiovisual content from the central server to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33). '866 conducts the wagering game by executing the game software at the central server system (Page 15, Lines 7 to 23).

12. As to Claim 7: '866 teaches downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34;

Art Unit: 3714

Page 11, Lines 21 to 33) and executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). It would be obvious to one of ordinary skill in the art to download and execute a significant portion of the game software at the wagering machine. The client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2, Lines 1 to 15), a process controlled by software. The player can also interact with other players by video, audio, and chat (Page 21, Lines 9 to 15), also controlled by software. '866 also is also able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The advantage of this would be to reduce computing load on the central server by doing "housekeeping" functions like security verification at the client.

13. As to Claim 8: The step of accessing the central server system includes accessing a web site operated by the central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

14. As to Claim 9: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22), with the gaming machine being free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines

Art Unit: 3714

23 to 25). Televisions would not have any gaming software, as they are non-programmable.

15. As to Claim 10: Harkham in '866 teaches a method of integrating casino gaming with non-casino gaming (Abst.; casinos, cruise ship, client device, Fig. 1; hotel rooms on hotel gaming system, Fig. 2), comprising: offering a plurality of wagering games (blackjack, Wheel of Fortune TM, keno, or slots) on a central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33); conducting one of the games via a player-operated gaming machine in a land-based casino (gaming machines in casinos 110 and 112, Fig. 1); the gaming machine being linked to the central server system by a reconfigurable computer network (Internet, Page 4, Line 20); conducting the same or another of the wagering games via a player-operated computing device remote from any casino and linked to the central server system (client device 102, Fig. 1); wherein the plurality of wagering games each include audiovisual content (Page 10, Lines 11 to 12) and game software for generating a random event (virtual slot machine, Page 15, Lines 20 to 22); and further downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33), and wherein the step of conducting the one of the wagering games via a player-operated gaming machine includes executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12) and executing the game software at the central server system (Page 15, Lines 7 to 23). '866 configures the player-operated gaming machine (computing device) from the central server system for conducting a wagering game (software downloaded to memory for execution, Page 13, Lines 27 to

Art Unit: 3714

35). The combination of '866 and '876 would inherently configure both the user's client device and the gaming devices inside the casino. Larose configures PC platforms over a network (Fig. 3). Many, if not most, modern gaming devices in casinos use embedded PC motherboards, as evidenced by "The Silicon Gaming Odyssey Slot Machine" (Levinthal, et al., Pages 296 to 301, 1063-6390/97, © IEEE, Proceedings of COMPCON 97). Larose also suggests configuring gaming platforms (Para. 52 and 53). '866 executes the audiovisual content locally (8:17-10:12 generally, 8:30-9:5 and 10:1-9 specifically). '378 teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27 specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game of '378 to the gaming system of '866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-21, 10:1-9). The players of '866 and '378 are

Art Unit: 3714

able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error.

16. As to Claim 11: '866 receives a wager from the player (Page 3, Lines 27 to 28), generates a random event (cards dealt or wheel spun, Page 9, Line 18), and provides an award to the player for a winning outcome of the random event (Page 30, Lines 30 to 31).

17. As to Claim 12: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

18. As to Claim 13: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

19. As to Claim 14: The computing device of '866 is linked to the central server system by the Internet (Internet, Page 4, Line 20; web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

20. As to Claim 15: '866 uses a hardware security key to enable the computing device to be linked to the central server system by the Internet (smart card, Page 2, Lines 1 to 15).

21. As to Claim 21: The gaming system of '866 can execute the audiovisual content at the gaming device (Page 10, Lines 11 to 12) and the game software at the central server system (Page 15, Lines 7 to 23).

Art Unit: 3714

22. As to Claim 22: '866 offers a plurality of wagering games on a central server system by posting the wagering games on a web site operated by the central server system (Page 4, Lines 12 to 26; Page 7, Lines 23 to 34).

23. As to Claim 23: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22), with the gaming machine being free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

24. As to Claim 62: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicate over the computer network using TCP/IP.

25. As to Claim 63: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicate over the computer network using TCP/IP.

26. Claims 19, 24 to 35, 39 to 55, 57, 58, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkham ('866) and Cannon ('378) in view of Larose (U.S. pre-grant publication 2002/0087876 A1, application 09/749,421).

27. As to Claim 19: The combination of '866 and '378 discloses all of the elements of Claim 19, but lacks specificity as to downloading game software from the central server

Art Unit: 3714

system to the gaming machine and executing the game software at the gaming machine. '866 teaches downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33) and executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). Larose, however, in '876 teaches downloading software from a central server to a computing device and executing the software on the computing device (Abst., Figs. 2 and 3, Para. 33 and 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the executable download of '876 to the system of '866 and '378. The system of '876 can be used for distributing demo versions of game (Para. 53). In '866, client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2, Lines 1 to 15); this could be used in conjunction with the encryption of '876 (Para. 46 and 47). '866 also is also able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The executable file download could or '876 could be downloaded and executed in the memory of '866, reducing the likelihood of copying or tampering, and eliminating the need for time-consuming hard-drive installations. The combination of '866 and '876 would download and execute the audiovisual content and game software at the client gaming device instead of at the central server. The advantage of this combination would be to reduce computing load on the central server

Art Unit: 3714

by executing the game software on the client gaming device, while still maintaining the system's security.

28. As to Claim 24: The software of '876 includes a basic version (110, Fig. 3; game demo version, Para. 53).

29. As to Claims 25 and 26: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network.

30. As to Claim 27: The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3).

31. As to Claims 28 and 29: The system of '876 downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine (Fig. 2, Para. 84).

32. As to Claim 30: At least one of the games of '876 has a basic version and an enhanced version (Para. 53 to 55). The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3). The basic version is conducted on a computing device or a gaming machine (Para. 84). The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network. The enhanced version of '876 is conducted, downloaded, and stored locally with the enhanced audiovisual content (Fig. 3) on a computing device or a gaming machine (Para. 84).

Art Unit: 3714

33. As to Claim 31: The combination of Harkham ('866) and Larose ('876) teaches a web-based system ('866, Page 7, Lines 31 to 34) of integrating casino gaming with non-casino gaming ('866, Abst.; casinos, cruise ship, client device, Fig. 1; hotel rooms on hotel gaming system, Fig. 2), comprising: a central server system (Fig. 1, '866) offering a plurality of wagering games ('866, Page 16, Lines 30 to 31); a plurality of player-operated gaming machines located in a land-based casino and linked to the central server system ('866, Fig. 1) by a reconfigurable computer network ('866, Internet, Page 4, Line 20), the gaming machines being used to conduct one of the wagering games; and a player operated computing device remote from any land-based casino and linked to the central server system ('866, client device, Fig. 1), the computing device being used to conduct the same or another of the wagering games; wherein the plurality of wagering games each include audiovisual content ('866, Page 10, Lines 11 to 12) and game software for generating a random event ('866, virtual slot machine, Page 15, Lines 20 to 22); and wherein the central server system executes the game software ('866, Page 15, Lines 7 to 23), and the gaming machines receive the audiovisual content from the central server system ('866; Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33) and store the audiovisual content locally ('876, Para. 84). '866 configures the player-operated gaming machine (computing device) from the central server system for conducting a wagering game (software downloaded to memory for execution, Page 13, Lines 27 to 35). The combination of '866 and '876 would inherently configure both the user's client device and the gaming devices inside the casino. Larose configures PC platforms over a network (Fig. 3). Many, if not most,

Art Unit: 3714

modern gaming devices in casinos use embedded PC motherboards, as evidenced by "The Silicon Gaming Odyssey Slot Machine" (Levinthal, et al., Pages 296 to 301, 1063-6390/97, © IEEE, Proceedings of COMPCON 97). Larose also suggests configuring gaming platforms (Para. 52 and 53). '866 executes the audiovisual content locally (8:17-10:12 generally, 8:30-9:5 and 10:1-9 specifically). '378 teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27 specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game of '378 to the gaming system of '866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-21, 10:1-9). The players of '866 and '378 are able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this

Art Unit: 3714

combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error.

34. As to Claim 32: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

35. As to Claim 33: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

36. As to Claim 34: The computing device of '866 is linked to the central server system by the Internet (Internet, Page 4, Line 20; web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

37. As to Claim 35: '866 uses a hardware security key to enable the computing device to be linked to the central server system by the Internet (smart card, Page 2, Lines 1 to 15).

38. As to Claim 39: One of the gaming machines of '876 receives the audiovisual content and game software from the central server system, stores the audio visual content and game software locally, and executes the game software locally (Figs. 2 and 3, Para. 84).

39. As to Claim 40: In '866, the central server system can execute audiovisual content (real-time video streaming without interpretation by client device, Page 13, Lines 7 to 10), and game software (Page 15, Lines 7 to 23). The computing device can be used to play the same or another of the wagering games (each player can pick his or her own game, Page 5, Lines 15 to 16).

Art Unit: 3714

40. As to Claim 41: In '866 the central server system executes the game software (Page 15, Lines 7 to 23). In '876, the computing device receives the audiovisual content from the central server system and stores the audiovisual content locally (Figs. 2 and 3, Para. 84).

41. As to Claim 42: The central server system of '866 operates a web site (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33) posting a plurality of wagering games (Page 5, Lines 14 to 16).

42. As to Claim 43: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating a random event (virtual slot machine, Page 15, Lines 20 to 22). At least one of the gaming machines is free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

43. As to Claim 44: The software of '876 includes a basic version (110, Fig. 3; game demo version, Para. 53).

44. As to Claims 45 and 46: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network using a computing device or a gaming machine.

45. As to Claim 47: The game of '876 has an enhanced version having upgraded audiovisual content (Fig. 3, Para. 53 to 55).

Art Unit: 3714

46. As to Claims 48 and 49: The computing device of '876 receives the upgraded audiovisual content from the central server system and stores it locally (Fig. 3, Para. 53 to 55, Para. 84). '866 teaches a gaming machine, which is a computing device (Abst.).

47. As to Claim 50: At least one of the games of '876 has a basic version and an enhanced version (Para. 53 to 55). The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3). The basic version is conducted on a computing device or a gaming machine (Para. 84). The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network. The enhanced version of '876 is conducted, downloaded, and stored locally with the enhanced audiovisual content (Fig. 3) on a computing device or a gaming machine (Para. 84).

48. As to Claim 51: The plurality of games of '866 are associated with a common entity, as they are all stored on a central server system operated by the same casino (Page 5, Lines 14 to 16; Fig. 1).

49. As to Claim 52: The combination of '866 and '876 teaches a casino-based gaming machine located in a land-based casino: comprising interface circuitry for linking the gaming machine to a web-based central server system over a reconfigurable, multi-site computer network ('866, Fig. 1); processing circuitry for accessing a wagering game on the central server system ('866, Page 5, Lines 14 to 16); and a user interface for receiving inputs from a player for playing a wagering game ('866, gaming devices with user inputs, Page 4, Lines 12 to 20); the processing circuitry receives the audiovisual

Art Unit: 3714

content from the central server system and stores the audiovisual content locally on the gaming machine ('876, Fig. 3, Para. 84). '866 configures the player-operated gaming machine (computing device) from the central server system for conducting a wagering game (software downloaded to memory for execution, Page 13, Lines 27 to 35). The combination of '866 and '876 would inherently configure both the user's client device and the gaming devices inside the casino. Larose configures PC platforms over a network (Fig. 3). Many, if not most, modern gaming devices in casinos use embedded PC motherboards, as evidenced by "The Silicon Gaming Odyssey Slot Machine" (Levinthal, et al., Pages 296 to 301, 1063-6390/97, © IEEE, Proceedings of COMPCON 97). Larose also suggests configuring gaming platforms (Para. 52 and 53). '866 executes the audiovisual content locally (8:17-10:12 generally, 8:30-9:5 and 10:1-9 specifically). '378 teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27 specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game of '378 to the gaming system of

Art Unit: 3714

'866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-21, 10:1-9). The players of '866 and '378 are able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error.

50. As to Claim 53: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

51. As to Claim 54: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22)

52. As to Claim 55: At least one of the gaming machines of '866 is free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable. The game software in this case is executed by the central server system (Page 15, Lines 7 to 23).

53. As to Claim 57: The system of '866 can be used with slot machines linked together in a casino (Page 4, Lines 11 to 12). It is widely known in the art that video slot

Art Unit: 3714

machines include a cabinet with a display mounted to the cabinet, the display being adapted to display a wagering game, and a user interface mounted to the cabinet.

54. As to Claim 58: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). '866 does not address which web scripting language is used in the web-based interfaces. The applicant has not disclosed that having the web scripting language be JavaScript solves any stated problem or is for any particular purpose. Moreover, it appears that the web-based interfaces of '866, or the applicant's invention, would perform equally well with the web scripting language being JavaScript. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time of invention to have modified '866 such that the scripting language is JavaScript because such a modification would have been considered a mere design consideration which fails to patentably distinguish over '866.

55. As to Claim 64: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicate over the computer network using TCP/IP.

56. As to Claim 65: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicate over the computer network using TCP/IP.

Response to Arguments

57. Applicant's arguments filed 2-12-2007 have been fully considered but they are not persuasive. The examiner's "Response to Arguments" of 9-11-2006 are

Art Unit: 3714

incorporated by reference. '866 configures the gaming machine from the central server system for conducting a wagering game (software downloaded to memory for execution, Page 13, Lines 27 to 35); this matches the instant configuration of web-based software instantly configured to display appropriate game themes of the applicant's specification, Page 19:29 to Page 20:5. The applicant is arguing in his remarks the other embodiment in which the software is downloaded and installed, Page 17:4-18. There are two embodiments of "configuring" in the applicant's specification, and the "configuring" of '866 matches one of them. Regarding the newly claimed limitations, '866 displays randomly generated and dynamically generated audiovisual content representing an outcome of the wagering game to the player. In one embodiment, where some of the players are remote players, the remote players are represented by avatars in a virtual game room (Page 10, Lines 1 to 9). Alternatively, '866 displays camera images of the physical players at the gaming table and use a video phones to display images and audio information of the remote players (Page 9, Lines 12 to 21). '866 transmits dynamically generated audio content to the player (playing instructions transmitted in non-audio format to save bandwidth, audio instruction dynamically played as audio in response to these instructions; alternatively audio directly from remote player played, Page 8, Line 30 to Page 9, Line 6). '866 transmits randomly selected and dynamically generated visual content to the player (card game embodiment, images of dealer and physical players along with cards being dealt, 9:12-21; images of remote players, 8:24-29; three-dimensional chatroom of avatars of real and physical players, 10:1-9). All of the games of '866 relied upon in this

Art Unit: 3714

rejection are wagering games in that the player places a wager to play the games (player wagering in remote card game, 18:15-29; player wagering in simulated slot game, 14:1-25). They are not all "wagering games" in the restrictive sense argued by the applicant in his remarks, restricting the wagering game to be only online computer games with no representation of live table play as disclosed in '866. The simulated slot game of '866 does anticipate wagering game in the restrictive sense argued by the applicant because it is an online computer game with no representation of table play. '866 executes the audiovisual content locally (8:17-10:12 generally, 8:30-9:5 and 10:1-9 specifically). '378 teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27 specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). The examiner respectfully disagrees with the applicant as to the claims' condition for allowance.

Conclusion

58. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The fact that many, if not most, modern gaming devices in casinos use embedded PC motherboards, as evidenced by "The Silicon Gaming Odyssey Slot Machine" (Levinthal, et al., Pages 296 to 301, 1063-6390/97, © IEEE, Proceedings of COMPCON 97).

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

61. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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